

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Benjamin Wurtzel	Team: Squad #6	CCRB Case #: 201801199	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 04/01/2017 10:08 AM	Location of Incident: § 87(2)(b)	Precinct: 43	18 Mo. SOL 10/1/2018	EO SOL 10/1/2018	
Date/Time CV Reported Tue, 02/13/2018 10:08 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 02/13/2018 10:08 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Donald Hook	24812	920400	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Tomas Cruz	20547	958452	043 PCT
2. POF Brenda Colon	08591	948801	043 PCT
3. POM Jeffrey Zambrano	06596	936012	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Donald Hook	Discourtesy: Police Officer Donald Hook spoke discourteously to § 87(2)(b)	§ 87(2)(b)
B.POM Donald Hook	Force: Police Officer Donald Hook used physical force against § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed this complaint with the CCRB on February 13, 2018, via telephone.

On April 1, 2017, at approximately 9:30 AM, police officers responded to § 87(2)(b)'s residence at § 87(2)(b) in the Bronx after she called 911 and reported that her daughter, § 87(2)(b) § 87(2)(b) was having a schizophrenic episode and needed to be removed to a hospital (**Board Review 01**). Police Officer Donald Hook of the 43rd Precinct arrived and allegedly called § 87(2)(b) a “pig” after observing that her apartment was in a state of disarray (**Allegation (A) Abuse of Authority:** § 87(2)(g) § 87(2)(b) attempted to follow her daughter and EMTs into an ambulance and Police Officer Hook forcefully detained her and placed her under arrest (**Allegation (B) Force:** § 87(2)(g) § 87(2)(b) was charged with § 87(2)(b) § 87(2)(b) (**Board Review 02**).

Surveillance video from § 87(2)(b) was obtained for this incident (**Board Review 03**).



2018-03-01_12-35-40.mp4



2018-03-01_12-41-33.mp4



2018-03-01_12-45-11.mp4



2018-03-01_15-31-23.mp4

Findings and Recommendations

Allegation (A) Discourtesy: Police Officer Donald Hook spoke discourteously to § 87(2)(b)

§ 87(2)(b) was standing directly outside of her apartment door on § 87(2)(b) with Police Officer Hook as numerous officers and two EMTs entered the building to remove her daughter from inside. During this time, § 87(2)(b) was speaking with Police Officer Hook who briefly entered her apartment before returning outside.

§ 87(2)(g)

§ 87(2)(b) In her intake statement, § 87(2)(b) § 87(2)(b) alleged that after seeing the interior of her apartment, Police Officer Hook called her a “slob.” In her verified statement, § 87(2)(b) § 87(2)(b) stated that Police Officer Hook called her a “pig.” Police Officer Hook had no recollection of arriving to the location prior to § 87(2)(b) § 87(2)(b) removal from the apartment, entering the apartment himself, or speaking to § 87(2)(b) § 87(2)(b) during this time. Police Officer Hook denied ever seeing the interior of § 87(2)(b) § 87(2)(b)'s apartment or ever calling § 87(2)(b) § 87(2)(b) a “pig,” (**Board Review 05**).

Surveillance video from this incident indicated that Police Officer Hook arrived and met with § 87(2)(b) § 87(2)(b) outside of her apartment at 9:19 AM, entered her apartment at 9:22 AM, and exited at 9:23 AM at which point he spoke with § 87(2)(b) § 87(2)(b) while the remaining officers and EMTs

were still inside of the building with § 87(2)(b). This video does not have audio (**Board Review 03**). Police Officer Hook was shown the video but had no recollection of this occurring and could not account for his conversation with § 87(2)(b) during this time.

§ 87(2)(g)

Allegation (B) Force: Police Officer Donald Hook used physical force against § 87(2)(b)

It is undisputed that Police Officer Hook forcibly detained § 87(2)(b)

§ 87(2)(b) exited her home with an escort of officers to be transported to a hospital for psychiatric treatment. As § 87(2)(b) was walking towards the ambulance, she became violent towards an EMT and made a swiping motion with her arm towards the EMT's back and head. At this time, police officers made the decision to place § 87(2)(b) in handcuffs for transport. § 87(2)(b) was resistant as officers placed her against a wall and in handcuffs. § 87(2)(b) observed the officers detaining her daughter and became distraught and walked towards her daughter and the group of officers. § 87(2)(b) purposefully walked into an EMT, at which point Police Officer Hook pulled her backwards by her arm in a forceful manner.

§ 87(2)(b) alleged that a police officer invited her to follow him towards the ambulance that was transporting § 87(2)(b) to § 87(2)(b). § 87(2)(b) stated that she motioned to follow this officer when she became dizzy and fell into Police Officer Hook who then lifted her off of her feet by her shoulder two times before placing her in handcuffs (**Board Review 04**). Police Officer Hook stated that § 87(2)(b) became irate when officers placed § 87(2)(b) in handcuffs and that she reached her arm over the officers' shoulders in an attempt to obstruct their detainment efforts while telling them to release her daughter. Police Officer Hook stated that he pulled § 87(2)(b) back by her arm and placed her in handcuffs without difficulty after she refused numerous requests to stand back from the officers (**Board Review 05**).

§ 87(2)(g)

Video of this incident indicated that Police Officer Hook's assertion that § 87(2)(b) became irate after observing officers detain her daughter is true but shows that § 87(2)(b) was not placed in handcuffs until later in the incident. The video indicated that while § 87(2)(b) did not intervene in the detainment of her daughter, she did attempt to approach the group numerous times and walked into an EMT in an aggressive and forceful manner. No officer is observed gesturing towards § 87(2)(b) during this time (**Board Review 03**).

NYPD Patrol Guide Procedure 221-02 states that a member-of-service should apply no more than the amount of force necessary to gain control (**Board Review 06**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been involved in one prior CCRB case (**Board Review 07**).
 - § 87(2)(b)
- Police Officer Hook has been a member of the NYPD for 20 years and has had 46 prior CCRB allegations within 17 cases and six substantiated allegations filed against him. Police Officer Hook has six prior allegations of ‘physical force’ and eight prior allegations of discourtesy (**Board Review 08**).
 - In CCRB case number 200506095, Police Officer Hook conducted an improper stop and received instructions.
 - In CCRB case number 200512847, Police Officer Hook conducted an improper vehicle search and received Command Discipline A.
 - In CCRB case number 201500486, Police Officer Hook refused to provide his name and shield number and received instructions.
 - In CCRB case number 201501548, Police Officer Hook improperly entered a premises, refused to provide his name and shield number, and spoke discourteously. Police Officer Hook did not receive a penalty.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation due to § 87(2)(b)'s arrest.
- A Notice of Claim inquiry has been sent to the Comptroller's Office of the City of New York. The results will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 6

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date